

JUL 26 2007

PATENT

Application No.: 10/821,624

Attorney Docket: 0197.00

REMARKS

Claims 1-13 and 15-34 are presently pending in the case. Claim 14 has been cancelled. Claims 1, 29, and 33 have been amended. The limitations of previous claim 14 have been written into independent claim 1. Claims 29 and 33 have been amended similarly.

Reconsideration of the present case in view of the remarks herein is requested.

Claim Objections

Claim 1 has been objected to for failure to provide antecedent basis for "the longitudinal" in line 8. The objection is traversed. The capsule inherently has a longitudinal axis. Therefore, "the longitudinal axis of the capsule" has inherent antecedent basis. Applicant requests withdrawal of the objection.

Claim rejections under 35 USC 102

The Examiner rejected claims 1-12, 14-20, 27 and 28 under 35 USC 102(b) as being anticipated by U.S. Patent 4,069,819 to Valentini et al (hereinafter Valentini et al). The rejection is traversed.

Valentini et al does not anticipate independent claim 1. Claim 1 is to an aerosolization apparatus comprising, inter alia, a housing and a removably connected end section. Valentini et al does not. In Valentini et al, the housing and the end section are a single piece. In rejecting previous claim 14, the Examiner incorrectly posits that element J can be considered the end section. Element J of Valentini et al does not include the end section features recited in claim 1. Thus, previous claim 14 (now independent claim 1) is not anticipated by Valentini et al, and Applicant requests withdrawal of the rejection.

Valentini et al also does not anticipate independent claim 20. Claim 20 is to an aerosolization apparatus comprising, inter alia, a puncturing mechanism comprising an alignment guide having a surface comprising one or more protrusions for contacting a capsule. Valentini et al has no such protrusions on its surface. The Examiner refers to a "bevel" but no such bevel that

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contacts a capsule can be located in the teachings of Valentini et al. Accordingly, Valentini et al does not anticipate independent claim 20.

Claims 2-13, 15-19, and 21-28 depend from either claim 1 or claim 20 and are not anticipated by Valentini et al for at least the same reason as the claim from which they depend.

Claim rejections under 35 USC 103(a)

The Examiner rejected claims 29-34 under 35 USC 103(a) as being unpatentable over Valentini et al. The rejection is traversed.

Valentini et al does not render independent claims 29 and 33 unpatentable. Claims 29 and 33 each recite that a chamber is defined by a body and a removable end portion. As discussed above, Valentini et al does not disclose, teach or suggest a removable end portion. Thus, Valentini et al does not render claims 29 and 33 unpatentable.

Independent claim 31 is also not rendered unpatentable by Valentini et al. Claim 31 recites the step of contacting a capsule with a surface comprising one or more protrusions. As discussed above, Valentini et al includes no such protrusions and therefore does not render claim 31 unpatentable.

Claims 30, 32, and 34 depend from allowable independent claims 29, 31, and 33, respectively, and are also allowable.

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Conclusion

The claims are allowable for the reasons given above. Thus, the Examiner is respectfully requested to reconsider the present rejections and allow the presently pending claims. Should the Examiner have any questions, the Examiner is requested to call the undersigned at the number given below.

Respectfully submitted;

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